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DOMESTIC VIOLENCE: THE GAP BETWEEN STATISTICS AND REALITY

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I. ABSTRACT

Domestic violence, also known as intimate partner violence, continues to be a major problem in the world, having a negative impact on victims physical and emotional health. Even though many people view their homes as secure havens, it is upsetting to realise that domestic violence frequently begins within those same walls. The huge discrepancy between reported data and the real occurrence of domestic abuse in India is highlighted by this paper. Due to underreporting, which is fuelled by cultural pressures and the ineffectiveness of the legal system, the statistics fail to accurately reflect the full scope of this epidemic. Victims endure silent suffering while lacking assistance and justice. This blog emphasises the essential need for greater awareness, extensive support networks, and practical legal measures to combat domestic violence and offer comfort to its victims by delving into the dismal reality hidden behind statistics. Only then do we have a chance of ending the cycle of abuse and creating a more secure workplace for everyone.

II. INTRODUCTION :

We all often consider home as our safest place. But it is exactly where domestic violence starts. Domestic violence, also known as intimate partner violence, is any form of abuse, such as mental, physical, or sexual assault, that occurs in a marital or cohabiting relationship. According to data, domestic violence is pervasive to some extent in every community on the globe and is considered to be a major factor in the victim's physical and mental illness. Yet, the figures on the frequency of or the number of domestic violence cases reported are much lower than the actual numbers, which do not even see the light of justice because of societal pressure and, more specifically, because the legal system is

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inefficient in this regard. In this blog, the author aims to reflect the difference between the statistics and the real scenario of domestic violence prevalent in India.

III. DOMESTIC VIOLENCE – WHAT IT IS ?

Section- 3 of the Domestic Violence Act, 2005[2] says that what comprises Domestic Violence as indicated will include: -

(a) Threats to life, health & safety etc., whether physical or mental, incorporating Sexual Abuse, Physical Abuse, Verbal and Emotional Abuse and Economic Abuse, or

(b) Harassment through any forms such as injuries, harms to the aggrieved person by coercing her or any other person related to any unlawful demand for dowry or other property or valuable security; or

(c) Otherwise injuring or causing harm, through mental or physical means to the aggrieved Person.

Domestic violence in India is not caused by a single, recurring factor. In India, a combination of sociological factor like anger, instability; historical factors like patriarchal superiority inheritance; religious factors, and cultural factors like demand of male kid; economical factor like demand of dowry etc. contribute to domestic violence against women.

A complaint may be made by any woman or on behalf of any woman who claims to have been the victim of domestic abuse committed by the perpetrator or another person. Children may also be introduced as co-applicants in situations where the mother petitions the court on their behalf. It can be brought against any adult male who has shared a home with the woman, as well as the husband's or male partner's family.

IV. WHAT DOES THE LAW SAY?

[2] The Domestic Violence Act, 2005.

The Protection of Women from Domestic Violence Act of 2005 mainly shields wives or female live-in partners from domestic abuse committed by their husbands or male live-in partners as well as by their relatives. Prior to this, the Dowry Prohibition Act of 1961[3] made the giving and receiving of dowries illegal and the Indian Penal Code[4] : Section 498A – Cruelty by Husband & his relatives in 1983 and Section 304B – Dowry Death in 1986. The 2013 criminal law modification, which changed some portions of the Indian Penal Code and the Indian Evidence Act[5] was a turning point in the field. The amendment clarified and introduced the terms "sexual assault" and "rape," and it also increased the severity of the fines and punishment. Acid attacks, stalking, and forcibly stripping women in public were also included and made illegal with the 2013 amendment.

The procedure In India for reporting domestic violence are : By approaching – the police, the protection officer of the district. By filing a petition in the court and obtaining the maintenance orders. The National Commission for Women's chairperson Rekha Sharma recently addressed that now the women are using the online mode more for registering complaints after the COVID-19 and digitalization era.[6]

V. WHAT DOES THE DATA SAY?

Due to the COVID-19 pandemic's increased stress from loss of livelihood, disruption of social and protective networks, and constrained mobility during the past two years, the incidence of violence against women at the hands of their intimate partners has only grown. Taking a closer look at the data from the Covid-19 pandemic period alone reveals that from over 23,700 in 2020 to over 30,800 in 2021, the total number of complaints across

[3] The Dowry Prohibition Act, 1961.
[4] The Indian Penal Code, 1860.
[5] The Indian Evidence Act, 1872.
[6] Ambika Pandit, 'Over 6,900 domestic violence plaints filed by women in 2022' (Times of India, 9 Jan 2023) < https://m-timesofindia-com.cdn.ampproject.org/v/s/m.timesofindia.com/india/over-6900-domestic-violence-plaints-filed-by-women-in-2022/amp_articleshow/96839600.cms?amp_gsa=1&amp_js_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp_tf=From%20%251%24s&aoh=16809190633167&referrer=https%3A%2F%2Fwww.google.com > accessed 8 April 2023.

all categories increased by more than 30%. And while the world tried to came out from the shadow of the epidemic last year, the number of complaints remained high in keeping with the pattern from the previous year and even slightly increased to cross the 30,900 mark in 2022.

The research by the National Crime Records Bureau for 2020, highlights that, in terms of crime against women, Assam, Odisha, Delhi, Telangana, Haryana, and Rajasthan have crime rates above 90. While Uttar Pradesh with 55% followed by Delhi with 10% & Maharashtra with 5% continued to be the top three states to register domestic violence complaints[7]. In India, domestic violence against women can take many different forms namely, verbal, sexual, physical, emotional and economical abuse. The categories such as obtaining the right to live in dignity (31%), protecting women from domestic violence (23%), and issues of harassing married women, including for dowry (15%), accounted for the majority of complaints.

VI. WHAT'S THE REALITY?

Although it accounts for the majority of crimes against women, domestic violence is routinely underreported. According to studies, unemployed husbands are more prone to be violent. Due to their difficulties in putting food on the table, they are prone to stress and frequently take their frustrations out on their family. Some women are more likely to experience domestic abuse because they are unemployed. It is fascinating to observe that despite knowing that domestic abuse is morally and legally wrong, both men and women nonetheless choose to reject this information. This might be the case as a result of the normalisation of domestic violence in our society's norms. The justifications can be anything from humiliation, financial dependence, apprehension of reprisals, victim-blaming, to adhering to a complicated bureaucratic process. Most victims, don't even share the torture faced by them with their families and friends let alone the thought of

[7] Ambika Pandit, 'Over 6,900 domestic violence plaints filed by women in 2022' Times of India (9 Jan 2023).

filing a police complaint. They choose to keep the issue to themselves to maintain their unsatisfactory marriages, children some people continue tolerating domestic abuse.

A recently released unbiased, trustworthy, and nationally representative data source that gathers self-reported responses for marital abuse is the National Family Health Survey (NFHS-5) 2019-2020. Regardless of whether the incident was reported, it only records if the woman who responded to the survey was a victim of domestic violence by her spouse. When these estimates are contrasted with the percentage of women who have made complaints, it becomes clear that there is a significant under-reporting of domestic abuse in Bihar, Karnataka, and Manipur, where the incidence is 40% or higher but the reporting rate is only 8%. While the percentage of cases filed is higher in Assam, Andhra Pradesh, Kerala, Telangana, Tripura, and West Bengal than the number of self-reported domestic violence incidents. The NFHS replies may also be biased if they are given in front of other household members or if the responder is unaware of the effects of her response, it is crucial to remember[8].

Another reason for the under reporting or increase in cases of domestic violence cases lies with the loopholes in the Indian Law. Martial rape hasn't yet been criminalized even though it accounts to torture to the women. Similarly on the other hand, the laws in Indian legislation are only laid for women, but what about the men? They face domestic violence too. In the case of Ashok Kumar v. Vijay Laxmi[9], the wife falsely accused her husband of plotting to kill and burn her, which he had never done. As a result, he experienced and continues to experience mental suffering, agony, and humiliation. As a result, the Delhi Court found the wife guilty of causing severe mental torment that qualifies as cruelty in rendering its decision in the husband's favour. This indicates the

[8] Payal Seth, 'Decoding the Extent to Which Domestic Violence Is Under-Reported in India' (WIRE, 12 Feb 2021) < https://m-thewire-in.cdn.ampproject.org/v/s/m.thewire.in/article/women/domestic-violence-india-underreported/amp?amp_gsa=1&amp_js_v=a9&usqp=mq331AQIUAKwASCAAgM%3D#amp_tf=From%20%251%24s&aoh=16809253764699&referrer=https%3A%2F%2Fwww.google.com&ampshare=https%3A%2F%2Fthewire.in%2Fwomen%2Fdomestic-violence-india-underreported> accessed 8 April 2023.
[9] Ashok Kumar v. Vijay Laxmi 1991 AIR [1992] Del. 182.

sheer need of amendment of domestic violence related laws and providing men with the protection from it too.

VII. CONCLUSION :

There lies comparative difference between the statics and reality in terms of reporting of domestic violence. A better comprehension of the current status of domestic violence in the nation and how we may handle this issue by giving the victims the necessary protection and compensation. In fact, unlike in the instance of sexual abuse, the laws in place today do not sufficiently punish domestic violence offenders. We must therefore create comprehensive law that addresses all types of domestic violence. However, the women in society should not be able to use it as a weapon against men by false accusations. The laws should provide both the genders with protection.

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